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FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. APPLICATION NO. FILING DATE 10/719,288 11/21/2003 Steven R. Sedlmayr AUO1012 2140 **EXAMINER** 7590 11/29/2005 Law Office of Roxana H. Yang FINEMAN, LEE A P.O. Box 400 ART UNIT PAPER NUMBER Los Altos, CA 94023 2872

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

			AV
	Application No.	Applicant(s)	
Advisory Action	10/719,288	SEDLMAYR, STEVEN R.	
Before the Filing of an Appeal Brief	Examiner	Art Unit	
	Lee Fineman	2872	
The MAILING DATE of this communication appears on the cover sheet with the correspondence address			
THE REPLY FILED 14 November 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.			
 The reply was filed after a final rejection, but prior to or o this application, applicant must timely file one of the follo places the application in condition for allowance; (2) a No (3) a Request for Continued Examination (RCE) in comp following time periods: 	owing replies: (1) an amendment, a potice of Appeal (with appeal fee) in liance with 37 CFR 1.114. The repl	ffidavit, or other evide compliance with 37 C	ence, which CFR 41.31; or
a) \square The period for reply expires 3 months from the mailing date of			
b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.			
Examiner Note: If box 1 is checked, check either box (a) or (b) MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f	ONLY CHECK BOX (b) WHEN THE FI		OWT NIHTIW C
Extensions of time may be obtained under 37 CFR 1.136(a). The date on been filed is the date for purposes of determining the period of extension a CFR 1.17(a) is calculated from: (1) the expiration date of the shortened states above, if checked. Any reply received by the Office later than three month the earned patent term adjustment. See 37 CFR 1.704(b).	which the petition under 37 CFR 1.136(a and the corresponding amount of the fee. atutory period for reply originally set in the	The appropriate extension final Office action; or (2)	n fee under 37 as set forth in (b)
NOTICE OF APPEAL 2. The Notice of Appeal was filed on A brief in com	nliance with 27 CED 41 27 must be	s filad within two man	the of the date
of filing the Notice of Appeal was filed on A brief in come of filing the Notice of Appeal (37 CFR 41.37(a)), or any each since a Notice of Appeal has been filed, any reply must be supported by the Notice of Appeal was filed on	xtension thereof (37 CFR 41.37(e)), to avoid dismissal o	of the appeal.
AMENDMENTS			
3. The proposed amendment(s) filed after a final rejection, (a) They raise new issues that would require further co (b) They raise the issue of new matter (see NOTE belo (c) They are not deemed to place the application in be	nsideration and/or search (see NC ow);	TE below);	
appeal; and/or	tter form for appear by materially to	caacing or simplifying	110 133403 101
(d) They present additional claims without canceling a NOTE: (See 37 CFR 1.116 and 41.33(a))		ejected claims.	
4. The amendments are not in compliance with 37 CFR 1.		ompliant Amendment	(PTOL-324).
5. Applicant's reply has overcome the following rejection(s			(
Diagram Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling			
the non-allowable claim(s).			
7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is pro The status of the claim(s) is (or will be) as follows:	☐ will not be entered, or b) ☐ wivided below or appended.	vill be entered and an	explanation of
Claim(s) allowed:			
Claim(s) objected to: Claim(s) rejected:			
Claim(s) rejected: Claim(s) withdrawn from consideration:			
AFFIDAVIT OR OTHER EVIDENCE			
B. The affidavit or other evidence filed after a final action, b because applicant failed to provide a showing of good ar and was not earlier presented. See 37 CFR 1.116(e).			

9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a

showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. 🔯 The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.

12. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper N 13. Other: ____

Continuation of 11. does NOT place the application in condition for allowance because: the claims as finally rejected do not distinguish the claimed system/method from the cited prior art.

Applicant argues that the new matter rejections under 35 USC 112, first paragraph is inappropriate because the specification and drawings inherently disclose all the elements of the claims, including specifically [b] [v] means for combining more than two altered separate primary color beams of light into a single collinear beam of light without previously subcombining any plurality of the altered separate primary color beams and [d] [i] and [ii] which state each altering means being disposed at a first path length from the illumination subsystem, the first path length being equal for each of the altering means; and each of the altering means being disposed at a second path length from the projection subsystem, the second path length being equal for each of the altering means by stating that the dichroic mirrors 90 & 92 (fig. 8c) can be replaced by the dichroic combiner 93 (fig. 8D). The examiner respectfully disagrees and reminds the applicant that for something to be inherently taught, it must always be that way. Clearly as demonstrated by figs. 8B and 8C a dichroic combiner can be used without equal path lengths. Therefore there is no inherent teaching of equal path lengths and simultaneous combining of the light beams. Further, even if one did just replace the mirrors 90 & 92 with a combiner 93 in fig. 8C, all the path lengths would now not be equal.

Applicant also argues that Kurematsu does not teach equal path lengths because with a cross dichroic prism at least some of the light of one color has a longer path than some of the light of the other colors. If this is the case, then the applicant's disclosure must further teach away from having equal beam paths when using a dichroic combiner (for simultaneous combining) because these elements also provide a cross prism where part of the paths is longer. If you take the average path as shown in both the drawings of the instant application ans Kurematsu, the paths for all colors are equal. Therefor the rejection is appropriate.